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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,675

03/29/2005

Daniel Lecomte

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EXAMINER

FINDLEY, CHRISTOPHER G

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

03/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/523,675	Applicant(s) LECOMTE ET AL.	
	Examiner CHRISTOPHER FINDLEY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/02/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Applicant is advised that should claim 1 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 7062096 B2, hereinafter referred to as “Lin”).**

Re **claim 1**, Lin discloses a process for the distribution of video sequences according to a nominal stream format intended to describe a plurality of audiovisual scenes, each scene being constituted by a plurality of hierarchical audiovisual objects and by a describer of this hierarchy and spatial and temporal relationships between

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these objects with each video object comprising at least one digital plane p, characterized in that an analysis of the stream is carried out before the transmission to the client equipment in order to generate a first modified stream presenting the format of a nominal stream and whose planes P, B or S (GMC) contain macroblocks of which all or part of the values of the movement vectors were modified (Lin: column 6, lines 22-33, base layer; column 10, lines 22-37, base layer contains vectors; column 7, lines 23-27, quality –and thus the corresponding coding parameters– is varied to meet bitrate constraints), and to generate a second stream with any format, comprising digital information suitable for permitting the reconstruction of these modified planes, that the two streams generated in this manner are then transmitted separately from the server to the addressed equipment (Lin: column 6, lines 22-33, enhancement layer; column 9, lines 4-22, base layer and enhancement layer are transmitted in separate packets) and that a synthesis of a stream to the nominal format is calculated on the addressed equipment as a function of this first stream and of this second stream (Lin: column 11, lines 8-19, enhancement layer reconstruction performed as a function of reconstructed base layer data).

Re **claim 2**, Lin discloses that the format of the nominal stream is defined by the MPEG-4 norm (Lin: column 5, lines 33-42).

Re **claim 3**, Lin discloses that this first modified stream presents planes P, B or S (GMC) of which all or a part of the movement vectors were modified by the substitution of certain values of the movement vectors by values of the same nature but random and that this second stream comprises the values of the substituted movement vectors and

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digital information suitable for allowing the reconstruction of these modified planes (Lin: column 10, lines 22-37, base layer contains vectors; column 7, lines 23-27, quality –and thus the corresponding coding parameters– is varied to meet bitrate constraints).

Re **claim 4**, Lin discloses that this analysis decides the values of the movement vectors to be modified as a function of the desired size for this second stream and of the degradation desired for this modified first stream (Lin: column 7, lines 23-27, quality – and thus the corresponding coding parameters– is varied to meet bitrate constraints).

Re **claim 5**, Lin discloses that the transmission of this first stream is realized via a broadband network (cable, satellite, digital microwave, fiber-optic, DSL (digital subscriber line), BLR (local radio loop) or DAB (digital audio broadcasting) (Lin: column 9, lines 10-22, the channel may be LAN, WAN, cable, etc.).

Re **claim 6**, Lin discloses that the transmission of this second stream is realized via a switched telephone network (analog or digital RTC) or via a network of the DSL (digital subscriber line) type or via a BLR (local radio loop) or via a mobile telephone network using the GSM, GPRS or UMTS norms (Lin: column 9, lines 10-22, the channel may be DSL).

Re **claim 7**, Lin discloses that the transmission of this second stream is realized via a support material distributed physically (flash memory card, smart card) (Lin: column 6, lines 49-55, the components may be integrated on a chip).

Re **claim 8**, Lin discloses at least one multimedia containing the original video sequences and characterized in that it comprises a device for analyzing the video stream coming from this server in order to generate the two streams (Lin: Fig. 12).

Re **claim 9**, Lin discloses that it comprises equipment for producing a video stream, at least one piece of equipment for using a video stream, and at least one communication network between the production equipment and the piece(s) of equipment for use (Lin: Fig. 12).

Re **claim 10**, arguments analogous to those presented for claim 1 are applicable to claim 10, and therefore claim 10 has been analyzed and rejected with respect to claim 1 above.

Claim 11 has been analyzed and rejected with respect to claim 2 above.

Claim 12 has been analyzed and rejected with respect to claim 3 above.

Claim 13 has been analyzed and rejected with respect to claim 4 above.

Claim 14 has been analyzed and rejected with respect to claim 5 above.

Claim 15 has been analyzed and rejected with respect to claim 6 above.

Claim 16 has been analyzed and rejected with respect to claim 7 above.

Claim 17 has been analyzed and rejected with respect to claim 8 above.

Claim 18 has been analyzed and rejected with respect to claim 9 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Method for scalable encoding of media streams, a scalable encoder and a terminal; Parkkinen et al. (US 7072366 B2)

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday (8:30 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Christopher Findley/